

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**EIGHTY-FIFTH LEGISLATIVE DAY**  
**MONDAY, MARCH 31, 2008**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present except Senators Langhorst, McKenzie, and Pearce, absent and formally excused by the Chair; and Senators Bilyeu, Corder, Fulcher, Heinrich, Hill, Jorgenson, McKague, Siddoway, and Stegner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Kristen McIntosh, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Bilyeu, Corder, Heinrich, Hill, Jorgenson, McKague, Siddoway, and Stegner were recorded present at this order of business.

President Risch assumed the Chair.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 28, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 28, 2008

The LOCAL GOVERNMENT and TAXATION Committee reports out **H 664**, as amended, **H 656**, as amended, and **H 680** with the recommendation that they do pass.

HILL, Chairman

**H 664**, as amended, **H 656**, as amended, and **H 680** were filed for second reading.

March 28, 2008

The STATE AFFAIRS Committee reports out **S 1507** without recommendation.

McKENZIE, Chairman

**S 1507** was filed for second reading.

March 28, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 655**, as amended, with the recommendation that it do pass.

McKENZIE, Chairman

**H 655**, as amended, was filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

March 27, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1479, S 1480, S 1481, S 1482,  
S 1483, S 1487, S 1489, S 1490,  
S 1491, S 1492, S 1493, S 1494,  
S 1495, and S 1496**

As Always - Idaho, *'Esto Perpetua'*  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

March 28, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following Senate Bills, to wit:

**S 1374**, as amended in the House, **S 1393**, **S 1394**, **S 1395**, **S 1401**, **S 1420**, as amended, **S 1422**, as amended, **S 1424**, **S 1432**, **S 1433**, as amended, **S 1441**, **S 1443**, **S 1446**, **S 1450**, **S 1477**, **S 1478**, and **S 1488**

As Always - Idaho, '*Esto Perpetua*'  
/s/ C. L. 'Butch' Otter  
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

#### Messages from the House

March 28, 2008

Mr. President:

I transmit herewith **H 691**, which has passed the House.

ALEXANDER, Chief Clerk

**H 691** was filed for first reading.

March 28, 2008

Mr. President:

I return herewith **S 1280**, as amended in the House, which has passed the House.

ALEXANDER, Chief Clerk

On request by Senator Schroeder, granted by unanimous consent, **S 1280** was recommitted to the Resources and Environment Committee, pursuant to Senate Rule 14(F).

March 28, 2008

Mr. President:

I return herewith the Governor's line item veto message for **S 1458**, line 26, which failed to become law, the Governor's veto being sustained by the House.

ALEXANDER, Chief Clerk

The report was ordered filed in the office of the Secretary of the Senate.

March 28, 2008

Mr. President:

I return herewith Enrolled **SJM 111** and **SJM 113**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **SJM 111** and **SJM 113** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of State.

March 28, 2008

Mr. President:

I return herewith Enrolled **S 1379**, as amended, as amended, **S 1455**, **S 1460**, **S 1470**, **S 1501**, **S 1503**, and **S 1508**, which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1379**, as amended, as amended, **S 1455**, **S 1460**, **S 1470**, **S 1501**, **S 1503**, and **S 1508** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

March 28, 2008

Mr. President:

I return herewith **S 1514** and **S 1485**, which have passed the House.

ALEXANDER, Chief Clerk

**S 1514** and **S 1485** were referred to the Judiciary and Rules Committee for enrolling.

March 28, 2008

Mr. President:

I transmit herewith Enrolled **HCR 45**, **HCR 50**, as amended, **HCR 52**, **HCR 54**, **HCR 57**, **H 483**, as amended, **H 494**, **H 514**, as amended in the Senate, **H 532**, **H 620**, **H 654**, as amended, **H 661**, **H 670**, **H 672**, and **H 673** for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled **HCR 45**, **HCR 50**, as amended, **HCR 52**, **HCR 54**, **HCR 57**, **H 483**, as amended, **H 494**, **H 514**, as amended in the Senate, **H 532**, **H 620**, **H 654**, as amended, **H 661**, **H 670**, **H 672**, and **H 673** and ordered them returned to the House.

On request by Senator Little, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**H 691**, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**H 684** and **H 685**, by Education Committee, were read the second time at length and filed for third reading, Consent Calendar.

**S 1425**, as amended in the House, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**S 1413**, as amended, as amended in the House, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

Senator Fulcher was recorded present at this order of business.

On request by Senator Little, granted by unanimous consent, **SJR 105**, having been held, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Little, granted by unanimous consent, **S 1506**, having been held, retained its place on the Third Reading Calendar for one legislative day.

On request by Senator Little, granted by unanimous consent, **S 1518**, having been held, retained its place on the Third Reading Calendar for one legislative day.

**S 1519** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Langhorst, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **S 1519** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Little, granted by unanimous consent, **HJR 4**, having been held, retained its place on the Third Reading Calendar for one legislative day.

President Risch called President Pro Tempore Geddes to the Chair.

**H 447**, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Langhorst, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 447**, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

**H 380**, as amended, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon (Gannon), Goedde, Hammond, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 26.

NAYS--Bair, Davis, Geddes, Heinrich, Little, McKague. Total - 6.

Absent and excused--Langhorst, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 380**, as amended, as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Having voted on the prevailing side by which **H 380**, as amended, as amended, as amended in the Senate, passed the Senate, Senator Stegner served notice that he may on this or the next legislative day move for reconsideration of the vote.

**H 380**, as amended, as amended, as amended in the Senate, was ordered held at the desk.

President Risch returned to the Chair.

**H 606**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Langhorst, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 606**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Stegner, granted by unanimous consent, **H 607**, as amended in the Senate, retained its place on the Third Reading Calendar for one legislative day.

**S 1408**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 30.

NAYS--None.

Absent and excused--Davis, Langhorst, Little, McKenzie, Pearce. Total - 5.

Total - 35.

Whereupon the President declared **S 1408** passed, title was approved, and the bill ordered transmitted to the House.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:15 p.m. until the hour of 1:30 p.m. of this day.

#### RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senators McKenzie and Pearce, absent and formally excused by the Chair; and Senators Burkett, Cameron, Darrington, and McGee, absent and excused.

Prior to recess the Senate was at the Thirteenth Order of Business, Third Reading of Bills.

Senator Darrington was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, **H 607**, as amended in the Senate, having been held, was placed before the Senate for consideration at this time.

**H 607**, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 30.

NAYS--None.

Absent and excused--Burkett, Cameron, McGee, McKenzie, Pearce. Total - 5.

Total - 35.

Whereupon the President declared **H 607**, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Senators Cameron and McGee were recorded present at this order of business.

**H 643** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 643** passed, title was approved, and the bill ordered returned to the House.

**H 681** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Werk arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **H 681** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, **H 682** retained its place on the Third Reading Calendar for one legislative day.

President Risch called President Pro Tempore Geddes to the Chair.

**H 683** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 683** passed, title was approved, and the bill ordered returned to the House.

**H 687** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared **H 687** passed, title was approved, and the bill ordered returned to the House.

President Risch returned to the Chair.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1425**, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**S 1425**, as amended in the House, was read the third time at length and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon (Gannon), Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 32.

NAYS--None.

Absent and excused--Burkett, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **S 1425**, as amended in the House, passed, title was approved, and the bill referred to the Judiciary and Rules Committee for enrolling.

Senator Burkett was recorded present at this order of business.

### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 685** were suspended, and the portions of Section 15, Article 3,

of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**H 685** was read the third time at length and placed before the Senate for final consideration. Senator Bastian arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bair, Bastian, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Jorgenson, Lodge, McGee, McKague, Richardson, Siddoway. Total - 14.

NAYS--Andreason, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Gannon (Gannon), Hill, Kelly, Keough, Langhorst, Little, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 19.

Absent and excused--McKenzie, Pearce. Total - 2.

Total - 35.

Whereupon the President declared that **H 685** had failed to pass the Senate and ordered the bill returned to the House.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **H 684** were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**H 684** was read the third time at length and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

On request by Senator Goedde, granted by unanimous consent, **H 684** was recommitted to the Education Committee.

#### **Suspension of Rules**

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of **S 1413**, as amended, as amended in the House, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

**S 1413**, as amended, as amended in the House, was read the third time at length and placed before the Senate for final consideration. Senator Heinrich arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Davis, Fulcher, Gannon (Gannon),

Geddes, Goedde, Hammond, Heinrich, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, Sagness (Malepeai), Stegner, Stennett, Werk. Total - 27.

NAYS--Bair, Darrington, Richardson, Schroeder, Siddoway. Total - 5.

Absent and excused--Hill, McKenzie, Pearce. Total - 3.

Total - 35.

Whereupon the President declared **S 1413**, as amended, as amended in the House, passed, title was approved, and the bill referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 3:05 p.m. until the hour of 9:30 a.m., Tuesday, April 1, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary